

**;IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

GUSTAVO ROMANELLO, )  
                          )  
Plaintiff,             )  
                          ) CIVIL ACTION FILE  
v.                      ) NO. 5:14-cv-0177-FL  
                          )  
CAPITAL ONE BANK (USA), N.A., )  
                          )  
Defendant.            )  
                          )  
\_\_\_\_\_

**DEFENDANT'S MOTION TO DISMISS**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Local Civil Rule 7.1, Defendant Capital One Bank (USA), N.A. (“Capital One”), by and through undersigned counsel, hereby moves this Court to dismiss the claims of Plaintiff Gustavo Romanello (“Plaintiff”) against it for failure to state a claim upon which relief can be granted. In support of this motion, Capital One relies upon its contemporaneously filed memorandum of law, including attachments.

*WHEREFORE*, Capital One respectfully requests that this Court dismiss Plaintiff’s claims against it, with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Respectfully submitted this the 26<sup>th</sup> day of May, 2014.

/s/ R. Locke Beatty \_\_\_\_\_  
R. Locke Beatty  
McGuireWoods LLP  
North Carolina Bar No. 38020  
201 N. Tryon Street, Suite 3000  
Charlotte, North Carolina 28202  
(704) 343-2244 (Telephone)  
(704) 353-6160 (Facsimile)  
[lbeatty@mcguirewoods.com](mailto:lbeatty@mcguirewoods.com)  
Attorney for Capital One Bank (USA), N.A.

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                        )  
Defendant.           )                           )  
                        )

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2014, a copy of the foregoing pleading, with any and all attachments, was filed electronically with the clerk of court via ECF. As May 26, 2014 is a postal holiday, on May 27, 2014, a copy will be served via First-Class Mail, postage prepaid, addressed to:

Gustavo Romanello  
5317 Cottage Bluff Lane  
Knightdale, NC 27545  
*Plaintiff Pro Se*

/s/ R. Locke Beatty  
R. Locke Beatty